Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

31 July 2014

English only

2014 Meeting
Geneva, 1-5 December 2014

Biological Weapons Convention
Meeting of Experts
Geneva, 4-8 August 2014
Item 8 of the agenda
Biennial item: how to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties

Article VII – Procedures

Submitted by South Africa

Introduction

1. Article VII of the BTWC requires from States Parties to "provide or support assistance, in accordance with the United Nations Charter, to any State Party which so requests, if the Security Council decides that such Party has been exposed to danger as a result of a violation of the Convention."

2. There are two issues of contention with regard to Article VII: the need for a procedure for assistance and the possible relationship between Art VII and Art X. Given the differences of opinion on the latter, this Working Paper focuses exclusively on the procedure for assistance under Article VII.

Procedure for Assistance

3. Under Article VII, the final declaration of the 6th Review Conference states the following: "The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons."

4. The 7th Review Conference declared: "The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons. The Conference notes that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these

differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. The Conference encourages States Parties, in a position to do so, to assist other States Parties, upon request, to build relevant capacity."

5. The Conference further stated: "On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, States Parties recognize that in this regard health and security issues are interrelated at both the national and international levels. The Conference highlights the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships. The Conference notes the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. The Conference also recognises that capabilities to detect, quickly and effectively respond to, and recover from, the alleged use of a biological or toxin weapon need to be in place before they are required."

6. At the 6th and 7th Review Conferences, proposals were made that States Parties may need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties.

7. The 7th Review Conference recognised "that there are challenges to developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon."

8. It is accepted that it may not be possible to develop and agree on measures for the provision of assistance in accordance with Art VII, however, a set of guidelines to aid a State Party when submitting an application for assistance to the United Nations Security Council may be useful. In this paper guidelines that could be utilised are proposed.

Guidelines for Requesting Assistance

9. Information to be supplied with the Application

(a) Name of the State Party.

(b) Date and place of first reported case. If there was a related event, a description of the event. To the extent possible, the date and time, when the alleged event(s) took place and/or became apparent to the requesting State Party and, if possible, the duration of the alleged event(s).

(c) Severity of the event. Number of cases and the number of fatalities, if any.

(d) Symptoms and signs – diagnosis if possible. Information on the initial treatment and the preliminary results of the treatment of the disease

(e) A description of the area involved.

(f) All available epidemiological information

(g) Actions taken to manage the outbreak.

(h) International organisations already involved in providing assistance.

(i) States already involved in providing assistance.

(j) Indications of why the outbreak is considered to be the result of a biological attack.

(k) Characteristics of the agent involved, if available.

(l) Types and scope of assistance required.

(m) Indication of any investigations conducted or being conducted

10. **Actions**

The application is to be submitted to the UNSG for forwarding to the UNSC as an urgent matter. It can simultaneously be submitted to one of the Depositories as an urgent matter.

Conclusion

11. It is suggested that States Parties consider a set of guidelines to aid a State Party when submitting an application for assistance to the United Nations Security Council.

12. The guidelines provided above could be useful in this regard.